



General Assembly

**Substitute Bill No. 381**

February Session, 2006

\* SB00381ED\_APP031506 \*

**AN ACT CONCERNING HEALTHY FOOD AND BEVERAGES IN SCHOOLS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2006*) (a) Except as otherwise  
2 provided in subsection (b) of this section, each local and regional board  
3 of education and the governing authority for each state charter school,  
4 interdistrict magnet school and endowed academy approved pursuant  
5 to section 10-34 of the general statutes, shall permit at schools under its  
6 jurisdiction the sale of only the following beverages to students from  
7 any source, including, but not limited to, school stores, vending  
8 machines, school cafeterias, and any fund-raising activities on school  
9 premises, whether or not school sponsored: (1) Milk that may be  
10 flavored but contain no artificial sweeteners and no more than four  
11 grams of sugar per ounce, (2) nondairy milks such as soy or rice milk,  
12 which may be flavored but contain no artificial sweeteners, no more  
13 than four grams of sugar per ounce, no more than thirty-five per cent  
14 of calories from fat per portion and no more than ten per cent of  
15 calories from saturated fat per portion, (3) one hundred per cent fruit  
16 juice, vegetable juice or combination of such juices, containing no  
17 added sugars, sweeteners or artificial sweeteners, (4) beverages that  
18 contain only water and fruit or vegetable juice and have no added  
19 sugars, sweeteners or artificial sweeteners, and (5) water, which may  
20 be flavored but contain no added sugars, sweeteners, artificial

21 sweeteners or caffeine. Portion sizes of beverages, other than water as  
22 described in subdivision (5) of this subsection, that are offered for sale  
23 pursuant to this subsection shall not exceed twelve ounces.

24 (b) Each such board of education or governing authority may  
25 permit at schools under its jurisdiction, the sale to students of  
26 beverages that are not listed in subsection (a) of this section, provided  
27 (1) such sale is in connection with a school sponsored event occurring  
28 after the end of the regular school day or on the weekend, (2) such sale  
29 is at the location of such event, and (3) such beverages are not sold  
30 from a vending machine or school store.

31 Sec. 2. (NEW) (*Effective July 1, 2006*) Not later than August 1, 2006,  
32 and January first of each year thereafter, the Department of Education  
33 shall publish a set of nutrition standards for food items offered for sale  
34 to students at schools. Such standards shall not apply to food sold as  
35 part of the National School Lunch Program and School Breakfast  
36 Program unless such items are purchased separately from a school  
37 lunch or breakfast that is reimbursable under such program.

38 Sec. 3. (NEW) (*Effective July 1, 2006*) (a) Each local and regional  
39 board of education and the governing authority for each state charter  
40 school, interdistrict magnet school and endowed academy approved  
41 pursuant to section 10-34 of the general statutes that participates in the  
42 National School Lunch Program shall certify in its annual application  
43 to the Department of Education for school lunch funding whether,  
44 during the school year for which such application is submitted, all  
45 food items made available for sale to students in schools under its  
46 jurisdiction and not exempted from the nutrition standards published  
47 by the Department of Education pursuant to section 2 of this act will  
48 meet said standards. Except as otherwise provided in subsection (b) of  
49 this section, such certification shall include food not exempted from  
50 said nutrition standards and offered for sale to students at all times,  
51 and from all sources, including, but not limited to, school stores,  
52 vending machines, school cafeterias, and any fundraising activities on  
53 school premises, whether or not school sponsored.

54 (b) Each such board of education or governing authority certifying  
55 pursuant to this section compliance with the department's nutrition  
56 standards for food may exclude from such certification the sale to  
57 students of food items that do not meet such standards, provided (1)  
58 such sale is in connection with a school sponsored event occurring  
59 after the end of the regular school day or on the weekend, (2) such sale  
60 is at the location of such event, and (3) such food is not sold from a  
61 vending machine or school store.

62 Sec. 4. Section 10-215b of the general statutes is repealed and the  
63 following is substituted in lieu thereof (*Effective July 1, 2006*):

64 (a) The State Board of Education is authorized to expend in each  
65 fiscal year an amount equal to (1) the money required pursuant to the  
66 matching requirements of said federal laws and shall disburse the  
67 same in accordance with said laws, and (2) ten cents per lunch served  
68 in the prior school year in accordance with said laws by any local or  
69 regional board of education or governing authority of a state charter  
70 school, interdistrict magnet school or endowed academy approved  
71 pursuant to section 10-34 that participate in the National School Lunch  
72 Program and certify pursuant to section 3 of this act that the nutrition  
73 standards established by the Department of Education pursuant to  
74 section 2 of this act shall be met.

75 (b) The State Board of Education shall prescribe the manner and  
76 time of application by [local and regional boards of education] such  
77 board of education, such governing authority or controlling authority  
78 of the nonpublic schools for such funds, provided such application  
79 shall include the certification that any funds received pursuant to  
80 subsection (a) of this section shall be used for the program approved.  
81 The State Board of Education shall determine the eligibility of the  
82 applicant to receive such grants pursuant to regulations provided in  
83 subsection (c) of this section and shall certify to the Comptroller the  
84 amount of the grant for which the board of education, [or] the  
85 governing authority or the controlling authority of a nonpublic school  
86 is eligible. Upon receipt of such certification, the Comptroller shall

87 draw an order on the Treasurer in the amount, at the time and to the  
88 payee so certified.

89 (c) The State Board of Education may adopt such regulations as may  
90 be necessary in implementing sections 10-215 to 10-215b, inclusive.

91 (d) The Commissioner of Education shall establish a procedure for  
92 monitoring compliance by boards of education or governing  
93 authorities approved with certifications submitted in accordance with  
94 section 3 of this act and may adjust grant amounts pursuant to  
95 subdivision (2) of subsection (a) of this section based on failure to  
96 comply with said certification.

97 Sec. 5. Section 10-215a of the general statutes is repealed and the  
98 following is substituted in lieu thereof (*Effective July 1, 2006*):

99 Nonpublic schools and nonprofit agencies may participate in the  
100 school breakfast, lunch and other feeding programs provided in  
101 sections 10-215 to 10-215b under such regulations as may be  
102 promulgated by the State Board of Education in conformance with said  
103 sections and under the federal laws governing said programs, except  
104 that such schools, other than the endowed academies approved  
105 pursuant to section 10-34, and agencies shall not be eligible for the  
106 funding described in subdivision (2) of subsection (a) of section 10-  
107 215b, as amended by this act.

108 Sec. 6. Section 10-221p of the general statutes is repealed and the  
109 following is substituted in lieu thereof (*Effective July 1, 2006*):

110 Each local and regional board of education and governing authority  
111 for each state charter school, interdistrict magnet school and endowed  
112 academy approved pursuant to section 10-34, shall make available in  
113 the schools under its jurisdiction for purchase by students enrolled in  
114 such schools nutritious [,] and low-fat foods, [and drinks,] which shall  
115 include, but shall not be limited to, [low-fat milk, one hundred per cent  
116 natural fruit juices and water at all times when drink is available for  
117 purchase by students in such schools and] low-fat dairy products and

- 118 fresh or dried fruit at all times when food is available for purchase by  
119 students in such schools during the regular school day.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2006</i>	New section
Sec. 2	<i>July 1, 2006</i>	New section
Sec. 3	<i>July 1, 2006</i>	New section
Sec. 4	<i>July 1, 2006</i>	10-215b
Sec. 5	<i>July 1, 2006</i>	10-215a
Sec. 6	<i>July 1, 2006</i>	10-221p

***ED******Joint Favorable Subst. C/R******APP***